

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SANDRA V. MOORE,

No. C 06-1380 SBA

Plaintiff,

v.

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO SERVE**

ASTRAZENECA PHARMACEUTICALS, L.P.,
ASTRAZENECA, L.P., and ELI LILLY AND
COMPANY,

Defendants.

On February 24, 2006, Plaintiff Sandra V. Moore ("Plaintiff") filed a complaint against Defendants Astrazeneca Pharmaceuticals, L.P., Astrazeneca, L.P., and Eli Lilly and Company ("Defendants"). On June 27, 2006, Plaintiff filed a Case Management Conference Statement requesting the Court to continue the Case Management Conference, currently scheduled for July 5, 2006 at 3:15 p.m., for approximately 120 days, because Plaintiff had not yet served Defendants. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendants within 120 days of the filing of the complaint, that is by June 26, 2006. As of the date of this order, Plaintiff has not served Defendants. Plaintiff has not shown good cause for her failure to serve. If service of the summons and complaint is not made upon Defendants within 120 days, the Court may dismiss the case without prejudice after providing notice to Plaintiff. *See* Fed. R. Civ. P. 4(m).

Accordingly,

IT IS HEREBY ORDERED THAT:

- (1) Plaintiff and/or Plaintiff's counsel of record shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **July 5, 2006, at 4:00 p.m.** to show cause why the above-captioned case should not be dismissed without prejudice for failure to serve the complaint on Defendants.
- (2) No later than **Monday, July 3, 2006**, Plaintiff or Plaintiff's counsel of record must file

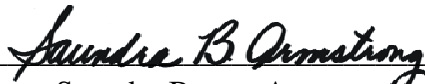
1 a Certificate of Counsel with the Clerk of the Court, to explain why the case should or
2 should not be dismissed for failure to serve.

3 (3) Please take notice that this Order requires both the specified court appearance and the
4 filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS
5 ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION.

6 IT IS FURTHER ORDERED THAT the Case Management Conference, currently scheduled for
7 July 5, 2006 at 3:15 p.m., is VACATED.

8 IT IS SO ORDERED.

9
10 Dated: 6/30/06


Saundra Brown Armstrong
United States District Judge